

Message Text

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ACTION AF-10

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01
 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
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R 241406Z FEB 78
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 553
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
USMISSION GENEVA
AMCONSUL JOHANNESBURG
USMISSION USUN NEW YORK

C O N F I D E N T I A L PRETORIA 1064

CAPE TOWN FOR EMBASSY

E.O. 11652: GDS
TAGS: PINT, PINS, SHUM, SF
SUBJECT: PAC TERRORISM TRIAL

REF: A. PRETORIA 0940; B. PRETORIA 0784 (NOTAL)

1. SUMMARY: PAC TERRORISM ACT TRIAL HAS ADJOURNED UNTIL
FEBRUARY 27 AT WHICH TIME JUDGE MAY RULE ON OUTSTANDING
APPLICATION TO HAVE PROCEEDINGS HELD "IN CAMERA." END SUMMARY.

2. EMBOFF, ACCOMPANIED BY EUGENE BRYANT OF US NEWSPAPER
GUILD, ATTENDED FEBRUARY 23RD SESSION OF PAN AFRICANIST
CONGRESS (PAC) TERRORISM ACT TRIAL IN BETHAL, ABOUT 100
MILES EAST OF JOHANNESBURG. PAC 18 ENTERED MODERN COURTROOM
SINGING AND GESTURING TO ACKNOWLEDGE PRESENCE OF RELATIVES
SEATED IN THE SEGREGATED GALLERY. (UNLIKE SIMILAR TRIALS
IN PRETORIA AND JOHANNESBURG, THE PRISONERS DID NOT GIVE
BLACK POWER SALUTE AND MEMBERS IN GALLERY WERE NOT
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OVERTLY RESPONSIVE.)

3. DEFENSE COUNSEL BEGAN WITH CROSS-EXAMINATION OF
C.J. VAN DER MERWE, "EXPERT" STATE WITNESS ON
REVOLUTIONARY AND COMMUNIST GROUPS. UNDER QUESTIONING
OF ADVOCATE HARRY PATMAN, VAN DER MERWE ADMITTED HE
HAD NO KNOWLEDGE OF INTERNAL PAC ACTIVITIES OR

PUBLICATIONS DURING THE PAST 10-15 YEARS. BULK OF NON-CONTENTIOUS CROSS-EXAMINATION EXPLORED THE ORIGINS OF THE PAC, DIFFERENCES IN SOVIET AND CHINESE IDEOLOGY, AND THE ORIGIN OF THE NAME AZANIA.

4. AFTER VAN DER MERWE COMPLETED HIS TESTIMONY, CURLEWIS DECLINED TO GIVE A RULING ON THE STATE'S "IN CAMER" APPLICATION AND ADJOURNED TRIAL UNTIL FEB27. PROSECUTION IS EXPECTED TO CALL TWO SENIOR POLICEMEN ON THE 27TH TO STRENGTHEN STATE'S CONTENTION THAT THE LIVES OF THEIR WITNESSES ARE IN DANGER. (PITMAN TOLD EMBOFF IN PRIVATE THAT ONE STATE WITNESS, NOT IN POLICE CUSTODY, HAS ALREADY BEEN BEATEN.) AS SECURITY POLICE ACCOMPANIED THE ACCUSED OUT OF COURT, ALL 18 APPROACHED EMBOFF TO EXPRESS APPRECIATION FOR EMBOFF PRESENCE AT TRIAL. SEVERAL WERE EAGER TO KNOW IF OTHER EMBASSIES WOULD SEND REPRESENTATIVES AND ASKED FOR READING MATERIAL.

5. AFTER SESSION, PITMAN TOLD EMBOFF THAT SAG EFFORT TO ISOLATE AND "BREAK" ACCUSED HAS BEEN PARTIALLY SUCCESSFUL IN THAT "THEY SPENT YEARS OF THEIR LIVES FIGHTING FOR A CAUSE AND NOW, IN THEIR FINAL MOMENTS IN PUBLIC, NO ONE IS THERE TO HEAR THEM." PITMAN EXPECTS AT LEAST SIX DEFENDANTS TO RECEIVE THE DEATH PENALTY AND MOST OF THE OTHERS TO BE SENT TO ROBBER ISLAND. DEFENSE COUNSEL ALSO CHARACTERIZED CONFIDENTIAL

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JUSTICE CURLEWIS AS BIASED, LAZY, AND ERRATIC. (INDICATIVE OF CURLEWIS' ATTITUDE TOWARDS THE PROCEEDINGS AND HIS APPARENT LACK OF KNOWLEDGE, WAS HIS VISIBLY IMPATIENT AND RESTLESS MANNER AND THE FACT THAT AT ONE POINT IN THE QUESTIONING HE ASKED "WHO IS NELSON MANDELA?").

6. IN A RELATED DEVELOPMENT, ONE OF ACCUSED, JOHNSON IVAN NYATHI, HAS SENT A LETTER OF DEMAND FOR \$23,000, PREPARATORY TO INTRODUCING A CIVIL SUIT, TO THE COMMISSIONER OF POLICE GERT PRINSLOO FOR ALLEGEDLY HAVING BEEN THROWN OUT OF A WINDOW BY POLICE WHEN HE WAS IN CUSTODY IN 1977. INCIDENT WAS REPORTED IN REFTEL "B".
BOWDLER

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